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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	Case No. 21-CR-274 CRB
	)	
Plaintiff,	)	UNITED STATES' SENTENCING
	)	MEMORANDUM
v.	)	
	)	Date: September 28, 2022
IAN BENJAMIN ROGERS,	)	Time: 10:00 a.m.
	)	
Defendant.	)	

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1 **I. INTRODUCTION**

2 After the November 2020 Presidential election, defendant Ian ROGERS and his co-defendant  
3 Jarrod Copeland began to plan a series of violent attacks against targets associated with the political  
4 party they opposed. Although they understood that they would be viewed as domestic terrorists for their  
5 conduct, they hoped that their violent acts might start a movement to overthrow the government, or at  
6 least strike back at the government for what they viewed as the unfair treatment of political opponents  
7 like themselves.

8 So ROGERS and Copeland developed a plan to attack the Democratic Party headquarters in  
9 Sacramento and burn it to the ground, and then move on to other targets (including two social media  
10 companies they despised). By the end of November, they had worked out many of the details of the  
11 plan. The January 6, 2021 attack on the Capitol energized them, and they waited to see whether the  
12 inauguration on January 20, 2021 would go forward before initiating their attacks.

13 Fortunately, the FBI and the Napa County Sheriff executed search warrants at ROGERS's home  
14 and business, and arrested him just five days prior to the inauguration. In the course of that search, they  
15 seized almost 50 firearms, including four fully automatic machine guns, approximately 15,000 rounds of  
16 ammunition, and five fully assembled pipe bombs.

17 The government charged ROGERS with conspiring to destroy a building—the Democratic Party  
18 headquarters in Sacramento—by fire or explosive (in violation of 18 U.S.C. §§ 844(i) and (n)),  
19 possession of machine guns (in violation of 18 U.S.C. § 922(o)), and possession of unregistered  
20 explosive devices (the pipe bombs) (in violation of 26 U.S.C. § 5861(d)). On May 27, 2022, ROGERS  
21 pleaded guilty to the conspiracy charge, one of the machinegun charges, and the pipe bomb charge in a  
22 binding plea agreement under Federal Rule of Criminal Procedure 11(c)(1)(C).

23 ROGERS's binding plea agreement set forth a sentencing range of 84–108 months (7–9 years) of  
24 imprisonment. For the reasons below, the government recommends the high end of that agreed-upon  
25 range—a 108-month (9-year) sentence of imprisonment, followed by three years of supervised release.  
26 Probation also recommends that the Court sentence ROGERS to the same: 108 months of imprisonment,  
27 within the parties' agreement on the sentencing range. *See* Presentence Investigation Report (Dkt. No.  
28 66) (“PSR”).

## II. BACKGROUND

### A. Factual Background

Before his arrest, ROGERS operated an auto repair shop in Napa, California. PSR ¶ 79. He also lifted weights, abused steroids, and amassed an arsenal of weapons and home-made explosives. PSR ¶¶ 9–11; 23. After the 2020 Presidential election, ROGERS was upset with the outcome and began planning for violent attacks against the Democratic Party in order to, in essence, scare them out of political engagement. PSR ¶¶ 12–13. The planning began on November 25, 2020. *Id.* Though ROGERS and Copeland used regular SMS text messages for many of their communications, they used an encrypted messaging application for this exchange:

Rogers	Ok bro we need to hit the enemy in the mouth
Copeland	Yeah so we punch soros
Rogers	I think right now we attack democrats
Rogers	They're offices etc
Rogers	Molotov cocktails and gasoline
Copeland	We need more people bro
Copeland	Gonna be hard

\* \* \*

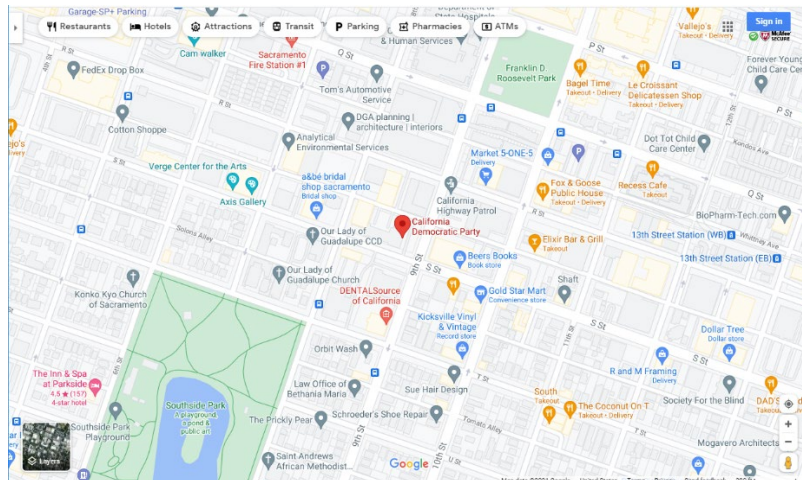
Rogers	Any thoughts on our first target?
Rogers	I think we should hit the Governors Mansion its empty no casualties
Rogers	Would send a message
Copeland	That's the best target I think too

\* \* \*

Rogers	Any idea how to take it down? Either fire bomb or full auto ak fire
Rogers	I'm thinking full auto fire with fire will send the message we want
Rogers	We shoot it up and burn it down , WOLVERINES
Copeland	I think we don't use bullets just burn it down
Copeland	No ammo

*Id.* They continued the discussion two days later.

While ROGERS originally suggested that they target the California Governor's mansion, he shifted his focus to the Democratic Party headquarters in Sacramento, California. *Id.* On November 27, 2020, ROGERS sent Copeland a link to a map detailing the location of the Party headquarters. PSR ¶ 13. That map is depicted below:



ROGERS and Copeland then had the following exchange showing detailed planning by ROGERS, again using an encrypted messaging application:

Rogers	Número uno
Copeland	Right next to CHP
Copeland	gotta be cautious
Rogers	Only take 3 minutes
Rogers	Take a brick break a window pour gas in and light
Copeland	Yeah still though
Rogers	I think I'll do a drive bye and unload a couple drums into that commie building
Copeland	Lol
Rogers	Quick and easy and a fire department is near bye so I don't think a fire will be effective
Rogers	150 rounds shot into building will destroy it
Copeland	Yeah true
Rogers	And a couple pipe bombs
Copeland	That pipe bomb that shit

*Id.* The next day, ROGERS again raised the topic of attacking the Party headquarters, and again he used the encrypted messaging application:

Rogers	So I've been thinking about that target in Sacramento , because the chipy station is so close we should fire bomb the place that will be quiet
Rogers	But I'm thinking a keg of gas like 17 gallons of gas
Copeland	Yeah no bullets
Copeland	That's a better plan
Rogers	Guns are too loud with that chipy station so close
Rogers	17 gallons of gas that place will burn good

PSR ¶ 14. ROGERS and Copeland continued to discuss the plan over the next couple days. On November 29, 2020, ROGERS initiated the conversation, on the encrypted app:

Rogers	After work tomorrow I'll got to sac and do some recon
Copeland	Really?
Rogers	I'll scope things out take pictures

1 Rogers I had a better idea , 4x 5 gallon gas can plastic you can buy anywhere  
break a window throw them inside and light boom  
2 Rogers I'll be in and out in probably 3 minutes  
Copeland That sounds good bro but let's just take it day by day wait until we see  
3 what Trump has planned  
Copeland If we see he can't win we strike  
4 Rogers I'll do some recon and get ready  
Copeland Ok bro

5  
6 PSR ¶ 15. On November 30, 2020, ROGERS again raised the issue:

7 Rogers Let's see what happens if they steal the election let's hit Sacramento it will  
be fun  
8 Rogers I'm so ready to attack those fucks  
Rogers I have the plan down pat  
9 Copeland Ok bro let's wait and see  
Copeland If they don't listen to trump they will hear us  
10 Rogers Roger  
Rogers We need to hit those scumbags  
11 Copeland Yep  
Rogers Roger  
12 Rogers We hit that office people might wake up  
Copeland I think it will take more than that and we will get tagged as domestic  
13 terrorists  
Rogers Like I care what we are labeled  
14 Rogers We are right they are wrong period  
Rogers 75 million people are pissed so we act out so what  
15 Rogers I just hope our actions will make others to get involved , we need help ,  
that's all I hope for  
16 Copeland [thumbs up emoji] that's what every patriot hopes  
Rogers Let's see what happens but I'm ready to strike , to be honest I've had  
17 enough of those assholes, they need to have some payback  
Rogers Wolverines!!!

18  
19 PSR ¶ 16.

20 The next day, ROGERS asked Copeland, "Do you think something is wrong with me how I'm  
21 excited to attack the democrats?" ROGERS also mentioned his plan to his former sister-in-law. He told  
22 her, "I want to hit the Democratic office in Sacramento". "Ugh it won't do any good," "You'll get  
23 caught," she warned. "You gotta get that out of your head" she said. PSR ¶ 17.

24 As the January 6, 2021 certification of the election results drew near, ROGERS and Copeland  
25 again discussed their plan and the reasons for taking action. PSR ¶ 18. On January 4, 2021, they had  
26 the following exchange, initially using SMS, and then switching over to an encrypted messaging  
27 application ("our secure way"):

28 Copeland Well it will probably happen and we will become outlaws for real  
Copeland I've accepted it

Rogers I can't take 2 stolen elections in a row  
 Copeland I got my zip tie handcuffs in today just in case got a 10 pack  
 Rogers Are we the only patriots in the nation?  
 Rogers I don't get this? It's baffling  
 Rogers We might have to be the ones to wake people up, everyone else are pussys  
 and sleep  
 Copeland There are some in our group  
 Rogers I just don't know how to fight such powerful people  
 \* \* \*  
 Copeland It's gonna be hard  
 Copeland Gotta [be] smart  
 Rogers We have so many enemy's  
 Rogers I think the only answer is guerrilla warfare  
 Rogers Surgical strikes to each infrastructure  
 Copeland Heads must be taken  
 \* \* \*  
 Copeland I don't like to think it but I think we will have to die for what we believe  
 in  
 \* \* \*  
 Rogers We need help though and I don't know how to get more people involved  
 Rogers We would need thousands of people  
 Copeland Proud boys and 3%  
 Copeland I emailed proud boys  
 Rogers Let's talk more in person and our secure way  
 Copeland Copy

PSR ¶ 18.

In that part of the conversation, Copeland said he had gotten a 10-pack of zip tie handcuffs “just in case.” Law enforcement seized that 10-pack of handcuffs from him when they searched his residence on July 14, 2021. In addition, Copeland told ROGERS that he had emailed the Proud Boys, in response to ROGERS’s statement that they needed to enlist more people to join them in forming a force for guerilla warfare. *Id.* Evidence on Copeland’s computer revealed that he contacted—or tried to contact—the Proud Boys through their website on December 28, 2020. When ROGERS and Copeland switched over to their encrypted messaging application, they continued the conversation of enlisting others:

Rogers We need to recruit more people bro  
 Rogers You and I can only do so much  
 Copeland I know  
 Copeland I'm working on it  
 Rogers Roger  
 Rogers I just can't believe more people are not as fired up as we are it's baffling  
 Copeland They are puss  
 Copeland We are not  
 Copeland People are scared man  
 Copeland I mean we will have to fight the mass

Copeland We are severely outnumbered  
 Rogers We are but we are willing to fight they are not  
 Copeland True  
 Copeland But they will turn the police against us  
 Rogers Well it comes down to this do we obey the constitution or bullshit ?  
 Rogers The constitution has weight , elected ASSFACE's don't  
 Copeland True  
 Copeland But remember WE ARE THE OUTLAWS  
 Copeland civil war is the only option  
 Rogers Outlaws and freedom fighters are the same thing depending on your  
 viewpoint  
 Rogers That's a fact  
 Rogers And also terrorists  
 Rogers But in reality we are patriots

PSR ¶ 18.

On January 10, 2021, ROGERS again raised the topic of attacking Democrats. PSR ¶ 21.  
 As before, he used an encrypted messaging application to carry on the discussion. *Id.* ROGERS told  
 Copeland, "We can attack Twitter or the democrats you pick" and "I think we can attack either easily"  
 shortly after Twitter had suspended Donald Trump's Twitter account. *Id.*

The next day, January 11, 2021, ROGERS started the conversation again:

Rogers I want to blow up a democrat building bad  
 Copeland Lol  
 Copeland I know  
 \* \* \*  
 Rogers The democrats need to pay  
 Copeland It's gonna crash bro  
 Copeland Corporate America is gonna die  
 Rogers Let's see what happens, if nothing does I'm going to war  
 Rogers Democrats, Twitter, etc  
 Rogers I hope 45 goes to war if he doesn't I will<sup>1</sup>  
 Copeland I'm with you  
 Copeland So is America bro we are just waiting  
 Rogers Let's see what happens then we act  
 Copeland Copy  
 Copeland I'm with you brother  
 Rogers I'm thinking sac office first target  
 Rogers Then maybe bird and face offices  
 Rogers Sad it's come to this but I'm not going down without a fight  
 Rogers These commies need to be told what's up  
 Copeland I agree  
 Copeland Plan attack  
 Rogers Let's see what happens then we act

<sup>1</sup>

"45" appears to be a reference to Donald Trump, the 45th President of the United States.



1 *Id.*

2 Law enforcement arrested ROGERS on January 15, 2021, just five days before Inauguration  
3 Day. PSR ¶ 11. They had received an anonymous tip that ROGERS was stockpiling weapons,  
4 including illegal machine guns. PSR ¶ 7. During the search of ROGERS's home and business, law  
5 enforcement located five completely assembled pipe bombs and approximately 48 firearms, four of  
6 which appeared to be fully automatic. PSR ¶ 11. ROGERS was arrested on weapons charges. *Id.*

7 During a videotaped interview after ROGERS' arrest, a Napa Sheriff's detective asked him if he  
8 had any plans to attack anyone. PSR ¶ 11. ROGERS said, "I've thought about it. I've thought about  
9 fighting against, fighting back against the government. But it's always when I'm inebriated. You wake  
10 up and you go, 'It's not a good idea.'" *Id.* The detective then asked if ROGERS had any specific plans  
11 to do that, and ROGERS responded, "Just, you know, just thoughts. But then you think about what can  
12 you do? I don't want to hurt anybody, you know. I mean *maybe if you could attack the right people,*  
13 *you know, but you don't want to hurt an innocent person*" (emphasis added). He went on, "Like people,  
14 like you know, people who are really causing problems in this world, like George Soros. I mean, you  
15 know, it's kind of *satisfying to think about hurting some scumbag like that*" (emphasis added). *Id.*

16 Additional messages between ROGERS and Copeland evince just how serious they were. On  
17 January 8, 2021, they had the following exchange via text messaging:

18	Rogers	Are you ready?
19	Copeland	I have the gear and the toys so yeah, mentally yeah I'm there I believe
20	Rogers	Are you ready to leave your wife?
21	Rogers	What I'm talking about we probably will die unfortunately
22	Copeland	That's what bothers me, I take care of her so yeah that is hurting me
23	Copeland	When I'm gone the[n] what will she do?
24	Copeland	She has finally came around to understanding
25	Rogers	Especially they will say we are terrorists
26	Copeland	She was crying yesterday and said to me 'please don't leave me I don't
27		know what to do without you' she was rubbing my back while I was
28		watching events from the capitol
	Copeland	She knows how I am and she knows I will put myself in harms way for
		what I believe in

[ROGERS then re-iterated they both might die]

Copeland Yeah no more talk on here delete

PSR ¶ 20. This exchange began over ordinary SMS text messaging, not the encrypted messaging app  
used on other occasions. That's why, at the end, Copeland told ROGERS they shouldn't talk about it



any further using SMS and that they should delete their messages. ROGERS didn't delete his messages.

During the search of ROGERS's home and business on January 15, 2021, police seized five fully-assembled pipe bombs from a gun safe at ROGERS's business. PSR ¶ 9. The pipe bombs were constructed from lengths of metal pipes, capped at both ends, and filled with gun powder. *Id.* Each pipe bomb had a fuse protruding through one end cap. *Id.* ATF records indicate that ROGERS did not register any of the pipe bombs to himself in the National Firearms Registration and Transfer Record. *Id.* In his post-arrest interview, ROGERS admitted that he had built the pipe bombs. PSR ¶ 11.

His text messages with other people also indicated the purpose of the pipe bombs. As described above, ROGERS discussed using the pipe bombs to attack the Democratic Party headquarters in November 2020. PSR ¶ 13. Earlier, on August 16, 2020, ROGERS exchanged messages with his former brother-in-law (Nathan Fall) in which he first sent a picture of a box with five assembled pipe bombs in it (pictured below) and said, "I made these today for when shit hits the fan"; ROGERS then continued, "I figure one pipe could blow up a car pretty good etc". Fall responded, "Dont tell the protesters that lol!!!" "Haha well they are my targets," ROGERS said. A few minutes later, ROGERS added, "I want to learn how to make plastique" and "Civil war is coming":



During the search on January 15, 2021, Napa Sheriff's deputies seized multiple weapons from ROGERS's business, including four machine guns:

- A bipod-mounted, belt-fed, open-bolt MG-42 machine gun;
- An AK-47 style assault rifle with an under-fold stock, serial no. 436314;
- An AK-47 style assault rifle with a side-fold stock, serial no. K005426; and,
- An M-16 style assault rifle, serial no. 2242110.

PSR ¶ 9. The Napa County Sheriff's armorer examined all four weapons and determined that they were machine guns, as ROGERS also later admitted.

### **B. Victim Impact**

Representatives from the California Democratic Party informed the FBI that the Party headquarters in Sacramento targeted by ROGERS and Copeland is used for many purposes, including planning interstate travel of Party members, coordinating with the national Democratic Party, coordinating with party representatives in other states on campaigns in those states and purchasing advertising to support candidates and promote issues in California and other states. PSR ¶ 13.

The California Democratic Party submitted a Victim Impact Statements to the Court in this matter, emphasizing that the criminal conduct in this case has caused "a chilling effect on people's willingness to take an active role in the democratic process," that "employees and volunteers are still scared for their safety when they visit the Party's headquarters," and that "the Party expended significant sums of money to increase security at its headquarters . . . to protect the safety of all staff, volunteers, and visitors," among other things.

A representative from the California Democratic Party plans to attend the sentencing hearing and requests to be heard by the Court.

## **III. DISCUSSION**

### **A. Legal Standard**

The Court must impose a sentence sufficient, but not greater than necessary, to reflect the seriousness of the offense, deter others from committing similar crimes, protect the public from the defendant, and rehabilitate the defendant. *See* 18 U.S.C. § 3553(a)(2); *United States v. Carty*, 520 F.3d 984, 991 (9th Cir. 2008). The statute sets forth several factors that the Court must consider in determining a just sentence: (1) the nature and circumstances of the offense and the defendant's history and characteristics; (2) the purposes of sentencing; (3) the kinds of sentences available; (4) the Guidelines range for sentences; (5) any pertinent policy statements; (6) the need to avoid unwarranted sentencing disparities; and (7) the need to provide restitution to any victims of the offense. 18 U.S.C. § 3553(a); *Carty*, 520 F.3d at 991. The sentence should reflect the seriousness of the offense, promote respect for the law, provide just punishment to the offender, deter the defendant and others from

committing similar crimes in the future, and protect the community from future crimes of the defendant.  
18 U.S.C. § 3553(a)(2).

The Guidelines should be the starting point and the initial benchmark. *Gall v. United States*, 552 U.S. 38, 49 (2007). Though the guidelines are not binding, they “reflect a rough approximation of sentences that might achieve section 3553(a)’s objectives.” *Rita v. United States*, 551 U.S. 338, 350 (2007).

### **B. Guidelines Calculation**

The parties’ plea agreement sets forth the below Guidelines range. Plea Agmt. (Dkt. No. 62) ¶ 7. Although ROGERS’s criminal history does not include any prior convictions, applying § 3A1.4 automatically increases ROGERS’s criminal history category to VI under the Guidelines. *See* U.S.S.G. § 3A1.4(b). Under the parties’ agreed-upon Guidelines calculation, the sentencing range is as follows:

Base Offense Level, U.S.S.G. § 2K1.4(a)(2)	20
Terrorism Enhancement, U.S.S.G. § 3A1.4	+12
Acceptance of Responsibility, U.S.S.G. § 3E1.1	-3
Adjusted Offense Level	29
Criminal History Category	VI
Sentencing Range	151-188

Although the government stands by the parties’ agreed-upon Guidelines calculation in the plea agreement, the government does not object (and the defense did not object) to the Guidelines calculated by Probation in the PSR: a base offense level of 18 under U.S.S.G. § 2K2.1(a)(5), a four-level increase for 8–24 firearms under 2K2.1(b)(1)(B), a two-level increase for destructive devices under 2K2.1(b)(3)(B), a twelve-level increase for terrorism under 3A1.4(a), and a three point reduction for acceptance of responsibility, for a total offense level of 33:

Adjusted Offense Level	33
Criminal History Category	VI
Sentencing Range	235-293

## 1                   **1.       The Terrorism Enhancement Applies**

2           The Guidelines provide for a 12-point enhancement “[i]f the offense is a felony that involved, or  
3 was intended to promote, a federal crime of terrorism.” U.S.S.G. § 3A1.4. A federal crime of terrorism  
4 is an enumerated crime “calculated to influence or affect the conduct of government by intimidation or  
5 coercion, or to retaliate against government conduct.” 18 U.S.C. § 2332b(g)(5)(A). Destruction of a  
6 building used in interstate commerce, in violation of 18 U.S.C. § 844(i), is one of the offenses  
7 enumerated in § 2332b(g)(5). Conspiracy to commit that offense, in violation of 18 U.S.C. § 844(n), is  
8 an offense that involves or is intended to promote an enumerated offense. *United States v. Mandhai*,  
9 375 F.3d 1243, 1247–48 (11th Cir. 2004) (Section 844(n) supports application of Guidelines § 3A1.4).

10           In this case, ROGERS and Copeland specifically intended to influence or affect the conduct of  
11 government by intimidation or coercion, or to retaliate against the government. *United States v.*  
12 *Alhaggagi*, 978 F.3d 693, 700 (9th Cir. 2020); *United States v. Tankersley*, 537 F.3d 1100, 1113 (9th  
13 Cir. 2008). The focus of this analysis is the intended offense itself, not the defendant’s rationale.  
14 *Alhaggagi*, 978 F.3d at 700. In *Alhaggagi*, the Ninth Circuit found that, while opening six social media  
15 accounts for ISIS supporters did not support application of § 3A1.4’s terrorism enhancement, other acts  
16 like “conspiring to bomb a federal facility, planning to blow up electrical sites, attempting to bomb a  
17 bridge, or firebombing a courthouse” would support that enhancement. *Id.* at 702.

18           In his plea agreement, ROGERS agreed that § 3A1.4 applies. Plea Agmt ¶ 7. Indeed,  
19 ROGERS’s conduct satisfies § 3A1.4’s requirements, as described in more detail in the discussion  
20 below about the nature and circumstances of the offense. The Court should find that § 3A1.4 applies—  
21 as the parties and Probation agree—and increase ROGERS’s offense level by 12 points.

## 22                   **2.       ROGERS May Be Entitled to Acceptance Points**

23           The Guidelines provide for a three-level deduction for acceptance of responsibility under  
24 U.S.S.G. § 3E1.1. ROGERS is entitled to that deduction as the government has agreed if, at sentencing,  
25 he manifests genuine acceptance of responsibility. Though “[t]he factual inquiry required by the  
26 guidelines does not require a penetrating judicial examination of the criminal’s soul,” *United States v.*  
27 *Vance*, 62 F.3d 1152, 1158 (9th Cir. 1995), it is also true that merely pleading guilty without also  
28 expressing remorse or contrition may provide a basis for denying § 3E1.1’s deduction, *United States v.*

1 *Rosales*, 917 F.2d 1220, 1222-23 (9th Cir. 1990) because it tends to indicate that the offender has not  
 2 truly renounced the conduct for which he stands convicted, and this makes him a greater danger to the  
 3 community in the future.

4 The Court may recall that ROGERS's admissions at the time of his guilty plea appeared  
 5 somewhat reluctant: while he admitted that he had done and said all of the things set forth in the plea  
 6 agreement, he hesitated as to whether what he had done was criminal. If this attitude continues to show  
 7 at sentencing, it evinces a defiance that undermines true acceptance of responsibility. Accordingly,  
 8 though the government has included the full deduction in its Guidelines calculation, it reserves the right  
 9 to argue that the deduction under § 3E1.1 should not apply if ROGERS fails to truly accept  
 10 responsibility for his actions.

#### 11 **C. Plea Agreement**

12 The parties agreed to a binding resolution under Federal Rule of Criminal Procedure 11(c)(1)(C),  
 13 with a sentencing range of 84–108 months (7–9 years) of imprisonment. The Court must decide  
 14 whether to accept or reject the parties' agreement. Fed. R. Crim. Proc. 11(c)(3)(A). The Court has  
 15 broad discretion to accept or reject the plea agreement. *United States v. Harris*, 679 F.3d 1179, 1182  
 16 (9th Cir. 2012). The Court should consider whether the negotiated sentence “is too lenient or otherwise  
 17 not in the public interest in light of the factual circumstances specific to the case.” *Id.*; *see also United*  
 18 *States v. Miller*, 722 F.2d 562, 565 (9th Cir. 1983) (categorical rules regarding acceptance or rejection of  
 19 plea agreements are improper).

20 The government believes that the negotiated sentence is appropriate and respectfully requests  
 21 that the Court accept the agreement.

#### 22 **D. The Court Should Impose a 108-Month (9 Year) Sentence of Imprisonment**

23 The government respectfully recommends that the Court impose a sentence of 108 months (9  
 24 years) of imprisonment, followed by three years of supervised release; this is at the high end of the  
 25 parties' agreed-upon sentencing range in the Rule 11(c)(1)(C) agreement, but below the Sentencing  
 26 Guidelines calculated by the parties and by Probation. ROGERS stands convicted and faces sentencing  
 27 for the things described above that he did—not the things he thought. He has repeatedly described  
 28

1 himself as a political prisoner to his friends and relatives.<sup>2</sup> But as ROGERS well knows, he faces a  
 2 substantial prison sentence because he plotted violent acts against others, and because he possessed a  
 3 stockpile of illegal weapons and explosives that he contemplated using in his attacks.

4 The nature and circumstances in this case confirm that this was a very serious offense warranting  
 5 the government's recommended sentence of imprisonment. ROGERS and Copeland targeted the  
 6 headquarters of one of the United States' two major political parties following a presidential election.  
 7 The party headquarters were a proxy for the government itself. And ROGERS's and Copeland's intent,  
 8 as they themselves said, was to carry out violent attacks that would make members of that political party  
 9 afraid to remain in office. They also intended their attacks—against one of the two major political  
 10 parties and social media companies they perceived as aligned with that party—to inspire others to  
 11 commit similar acts of violence against those same targets. This evinces an intent to influence or affect  
 12 the conduct of government through intimidation and coercion. ROGERS and Copeland in fact  
 13 contemplated that their actions would be viewed as acts of terrorism. On November 30, 2020, Copeland  
 14 predicted that “we will get tagged as domestic terrorists,” and ROGERS responded, “Like I care what  
 15 we are labeled”.

16 Indeed, both ROGERS and Copeland expressed anger that, in their view, the government had  
 17 done little to curb the protests in the summer of 2020 while reacting harshly to the persons who staged  
 18 the attack on the Capitol on January 6, 2021. This retaliatory motive is evident in Copeland's statements  
 19 that he and ROGERS wanted “payback” against the government for what they perceived as the disparate  
 20 treatment groups received by those on opposite sides of the political spectrum. Indeed, ROGERS said  
 21 “they need to have some payback” when speaking of their plan to strike at a target affiliated with the  
 22 Democratic party.

23 As for ROGERS's history and characteristics, ROGERS abused alcohol and both ROGERS and  
 24 Copeland abused steroids. The two men spoke about steroids frequently, and in late-December 2020,  
 25

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26 <sup>2</sup> In a January 27, 2021 video visit with his ex-wife, ROGERS said “the Democrats are going to  
 27 war against me.” In another call with her that same day, ROGERS pointed out that there were no  
 28 federal charges against him until the new administration took over (within 12 days of his arrest, which  
 had nothing to do with who held office before or after the inauguration), and that “it's all political.” In a  
 call with his ex-wife's sister on February 2, 2021, ROGERS repeated that “it's all politics.”

they ordered multiple substances, including testosterone, oxandrolone, and methandienone from an overseas vendor. Steroids increase irritability and aggression: “People who misuse anabolic steroids report more anger than nonusers, as well as more fights, verbal aggression, and violence toward their significant others, sometimes called ‘roid rage.’”<sup>3</sup> Copeland’s own statements show that the steroids had the same mood-altering effects the studies described above found. On January 13, 2021, he told ROGERS (following another discussion about the political situation in the United States), “the roids make me very angry.” During searches of ROGERS’s business on January 15, 2021, and Copeland’s home on January 17, 2021, agents found steroids. The agents seized the steroids they found at Copeland’s home. A lab later confirmed that Copeland had both testosterone liquid and oxandrolone tablets. Agents returned to ROGERS’s business in April 2021 and located and seized his steroids (he had been in custody since January, so the steroids were still where agents had seen them before). Those have not been laboratory-tested, but they also appeared to be vials of testosterone, similar to what agents seized from Copeland.

While ROGERS has no prior criminal convictions, it is notable that he was arrested on August 18, 2020 for domestic abuse, in which he and his current wife got into an altercation that became physical and spilled out into the front yard, and one of the neighbors called police. In SMS messages with his ex-wife a month later, ROGERS said, “I hate this town I’ll be happier away from the n\*\*\*\*rs etc in Berryessa I’ll see beauty every day, and I’m sick of my stupid g\*\*k neighbors”. He then said, “I can’t forgive them for calling the cops on my numerous times over bullshit” and “Typical Asian assholes, they only care about themselves and they’re families”. ROGERS’s ex-wife responded, “In the neighbor’s defense, if I saw some Russian lady screaming to call the police and you all buffed looking like Arnold shuffling around with her, I’d think you were being violent. . . . Hopefully you can try to control your temper so that kind of thing never happens again.”

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<sup>3</sup> See “Steroids and Other Appearance and Performance Enhancing Drugs (APEDs) Research Report,” Nat’l Inst. On Drug Abuse (rev. Feb. 2018) at 14, *available at* <https://www.drugabuse.gov/download/815/steroids-other-appearance-performance-enhancing-drugs-apeds-research-report.pdf> (last visited July 14, 2021). The report notes that the research results may be confounded by personality traits more common among steroid abusers. In other words, it’s difficult to tell whether steroids make steroid users more prone to violence, or if people who are more prone to violence tend to seek out steroids.



1 Finally, the need for just punishment and deterrence against political violence merits the  
 2 government's recommended sentence. Whether ROGERS was a right-wing or left-wing extremist does  
 3 not matter here: simply put, he was an extremist who got within a few days of committing acts of  
 4 violence to try to enforce his political views on others, and that is conduct that must be condemned with  
 5 severe consequences. Indeed, there is a great need for the sentence in this case to send a message to  
 6 anyone who would conspire to commit any political violence.

7 Here, the parties agreed to a sentence of between 84 and 108 months, which is below the agreed-  
 8 upon Guidelines and the Guidelines calculated in the PSR by Probation. The government agreed to a  
 9 sentence in this range in view of ROGERS' lack of criminal history, and because no one got hurt and no  
 10 structures were destroyed. Law enforcement intervened before—likely just a few days before—  
 11 ROGERS and Copeland carried out their attack. Their offense is no less real, but (despite Copeland's  
 12 efforts to enlist others) they appear to have been a conspiracy of two and timely law enforcement  
 13 intervention eliminated the threat they posed.

#### 14 **IV. CONCLUSION**

15 For the foregoing reasons, the government asks that the Court accept the parties' plea agreement  
 16 and sentence ROGERS to 108 months (9 years) in prison, followed by three years of supervised release  
 17 on the conditions Probation recommends, and including the condition that he not use any steroids or  
 18 other illegal controlled substances except with a doctor's prescription.

19  
 20 DATED: September 21, 2022

Respectfully submitted,

21 STEPHANIE M. HINDS  
 22 United States Attorney

23 \_\_\_\_\_  
 24 /s/  
 25 FRANK RIEBLI  
 26 ERIC CHENG  
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 28